

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA) 1:19-CR-13
)
 v.) Criminal No. Erie
)
 JAMES FREDERICK FRANKS)

INFORMATION MEMORANDUM

AND NOW comes the United States of America, by its attorneys, Scott W. Brady, United States Attorney for the Western District of Pennsylvania, and Marshall J. Piccinini, Assistant United States Attorney for said District, and submits this Information Memorandum to the Court:

I. **THE INFORMATION**

A one-count Information was filed against the above-named defendant for an alleged violation of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
1	Obtaining a controlled substance through fraud In and around July 2016 to in and around July 2017	21 U.S.C. §§ 843(a)(3) and 843(d)(1)

FILED

MAY 13 2019

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

II. ELEMENTS OF THE OFFENSE

A. As to Count 1:

In order for the crime of obtaining a controlled substance through fraud, in violation of 21 U.S.C. §§ 843(a)(3) and 843(d)(1), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. On or about the date set forth in the Information, the defendant acquired or obtained possession of a controlled substance.
2. By misrepresentation, fraud, forgery, deception or subterfuge.
3. The defendant did so knowingly or intentionally.

III. PENALTIES

A. As to Count 1: Obtaining a controlled substance through fraud (21 U.S.C. §§ 843(a)(3) and 843(d)(1)):

1. A term of imprisonment of not more than four (4) years, but if the defendant has a prior conviction under 21 U.S.C. § 843, or for a felony under any other section of Chapter 13 of Title 21, United States Code, or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, and such conviction has become final, then such person may be sentenced to not more than eight (8) years in prison.

2. A fine of not more than \$250,000.
3. A term of supervised release of one (1) year.

V. RESTITUTION

Restitution may be required in this case as to Count One, together with any authorized penalty, as part of the defendant's sentence pursuant to 18 U.S.C. §§ 3663, 3663A, and 3664, unless agreed to by the parties, as here.

VI. FORFEITURE

Not applicable in this case.

Respectfully submitted,

SCOTT W. BRADY
United States Attorney



MARSHALL J. PICCININI
Assistant U.S. Attorney
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